

APPENDIX E

CONSULTATION LETTERS AND RESPONSES

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Department of Energy

Oak Ridge Operations Office
P.O. Box 2001
Oak Ridge, Tennessee 37831—

August 16, 2001

Dr. Lee Barclay
Fish and Wildlife Service
United States Department of Interior
446 Neal Street
Cookeville, Tennessee 38501

Lee
Dear ~~Dr. Barclay~~:

INFORMAL CONSULTATION UNDER SECTION 7 OF THE ENDANGERED SPECIES ACT FOR THE PROPOSED DISPOSITION OF WASTES AT THE PADUCAH SITE, PADUCAH, KENTUCKY

The United States Department of Energy (DOE) has various waste types at the Paducah site in Paducah, Kentucky that must be treated and transported or transported to treatment and disposal facilities. DOE is under regulatory agreements to treat and dispose of these wastes. The wastes would be transported **offsite** over a ten-year period, starting in 2001.

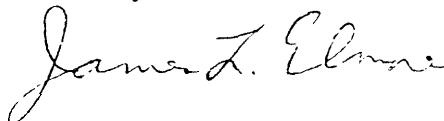
Under the proposed action, several ~~thousand~~ cubic meters of low-level, mixed low-level and hazardous (PCB) waste and about 12 m³ of transuranic (TRU) waste would be transported from the Paducah site to eight DOE and commercial treatment and disposal facilities. Some minor **onsite** treatment is proposed. Annually DOE would dispose of approximately 52 m³ low level waste (LLW) water after **onsite** treatment (lime precipitation) to meet Kentucky Permit Discharge Elimination **System (KPDES)** limits. The TRU waste would be treated (stabilization) **onsite** before shipment to Oak Ridge. Also, approximately 1800 m³ of soil and debris containing some residual radioactivity but meeting the waste acceptance criteria for the **onsite C-746U** landfill would be disposed at the Paducah site without treatment. The remaining wastes would be shipped **offsite** for treatment and/or disposal. Some Resource Conservation and Recovery Act (RCRA) wastes would be shipped to the Toxic Substances Control Act incinerator in Oak Ridge. Most of the LLW would be shipped to the Nevada Test Site. The PCB waste would be shipped to Utah and Texas. Some waste will go to DOE's Hanford site in Hanford, Washington and some will go to various commercial contractors in Texas, Tennessee, and Utah. Wastes will be shipped by either truck or rail in the Department of Transportation (DOT) or other approved containers in accordance with waste shipping regulations.

There will be **minimal** onsite construction at the Paducah site. Some interiors of existing buildings would be modified to expedite repackaging, waste handling, and in some cases treatment of wastes. No new landfills or other major site modifications are proposed.

This letter is intended to serve as informal consultation under the Endangered Species **Act**. In this regard, DOE requests an updated list of protected species or habitat on or near the project site and solicits your recommendations and comments about the potential effects of this proposed action. Your input will be used in the preparation of an environmental assessment for this action pursuant to the National Environmental Policy Act.

If you need further information on this request, please do not hesitate to call me at (865) 576-0938.

Sincerely,

A handwritten signature in black ink, appearing to read "James L. Elmore". The signature is fluid and cursive, with the first name "James" and last name "Elmore" clearly distinguishable.

James L. Elmore, Ph.D.

Alternate NEPA Compliance Officer

cc:

Gary Bodenstein, EM-98/PAD

David Tidwell, EM-98/PAD

Diane McDaniel, SAIC



Department of Energy

Oak Ridge Operations Office
P.O. Box 2001
Oak Ridge, Tennessee 37831—

August 16, 2001

Mr. Keith Wethington
Kentucky Department of
Fish and Wildlife Resources
#1 Game Farm Road
Frankfort, Kentucky 40601

Dear Mr. Wethington:

CONSULTATION CONCERNING STATE-LISTED SPECIES FOR THE PROPOSED DISPOSITION OF WASTE AT THE PADUCAH SITE, PADUCAH, KENTUCKY

The United States Department of Energy (DOE) has various waste types at the Paducah site in Paducah, Kentucky that must be treated and transported or transported to treatment and disposal facilities. DOE is under regulatory agreements to treat and dispose of these wastes. The wastes would be transported **offsite** over a ten-year period, starting in 2001.

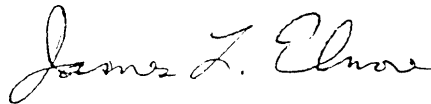
Under the proposed action, several thousand cubic meters of low-level, mixed low-level and hazardous (PCB) waste and about 12 m³ of transuranic (TRU) waste would be transported **from** the Paducah site to eight DOE and commercial treatment and disposal facilities. Some minor **onsite** treatment is proposed. Annually DOE would dispose of approximately 52 m³ low level waste (LLW) water after **onsite** treatment (lime precipitation) to meet Kentucky Permit Discharge Elimination System (KPDES) limits. The TRU waste would be treated (stabilization) **onsite** before shipment to Oak Ridge. Also, approximately 1800 m³ of soil and debris containing some residual radioactivity but **meeting** the waste acceptance criteria for the **onsite** C-746U landfill would be disposed at the Paducah site without treatment. The remaining wastes would be shipped **offsite** for treatment and/or disposal. Some Resource Conservation and Recovery Act (RCRA) wastes would be shipped to the Toxic Substances Control Act incinerator in Oak Ridge. Most of the LLW would be shipped to the Nevada Test Site. The PCB waste would be shipped to Utah and Texas. Some waste will go to DOE's Hanford site in Hanford, Washington and some will go to various commercial contractors in Texas, Tennessee, and Utah. Wastes will be shipped by either truck or rail in the Department of Transportation (DOT) or other approved containers in accordance with waste shipping regulations.

There will be minimal onsite construction at the Paducah site. Some interiors of existing buildings would be modified to expedite repackaging, waste handling, and in some cases treatment of wastes. No new landfills or other major site modifications are proposed.

This letter is intended to serve as a request for an updated list of state-protected species that may occur on or in the vicinity of the proposed action and to solicit your recommendations and comments about the potential effects of this action. Your input will be used in the preparation of an Environmental Assessment of the proposed action. A prompt reply would be appreciated.

If you need any further information on this request, please do not hesitate to call me at (865) 576-0938.

Sincerely,

A handwritten signature in cursive script that reads "James L. Elmore".

James L. Elmore, Ph. D.
Alternate NEPA Compliance Officer

cc:

Gary Bodenstein, EM-98/PAD
David Tidwell, EM-98/PAD
Diane McDaniel, SAIC



United States Department of the Interior

FISH AND WILDLIFE SERVICE
446 Neal Street
Cookeville, TN 38501

September 25, 2001

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AMESQ

Log No. 33185
Date Received SEP 27 2001
File Code _____

Mr. James L. Elmore, Ph.D.
U.S. Department of Energy
Oak Ridge Operations Office
P.O. Box 2001
Oak Ridge, Tennessee 3783 1

Dear Dr. Elmore:

Thank you for your letter and enclosures of March 4, 1999, regarding the preparation of an Environmental Assessment (EA) for the Proposed Disposition of Wastes at the Paducah Site, Paducah, Kentucky. Under the proposed action, several thousand cubic meters of low-level, mixed low-level, and hazardous (PCB) waste, as well as 12 m³ of transuranic waste, would be transported from the Paducah Gaseous Diffusion Plant (PGDP) in McCracken County, Kentucky, to eight Department of Energy (DOE) and commercial treatment and disposal facilities. Resource Conservation and Recovery Act waste would be shipped to the Toxic Substances Control Act incinerator at Oak Ridge, Tennessee. Annually, DOE would discharge 52 m³ of low-level wastewater after on-site treatment at the PGDP to meet Kentucky Pollutant Discharge Elimination System permit requirements. Approximately 1800 m³ of soil and debris containing some residual radioactivity, but meeting the waste acceptance criteria (WAC) for the on-site C-746-U landfill, would be disposed at the PGDP without treatment. We are not aware that specific WAC have been proposed or modified for the C-746-U landfill as a result of this and other recent proposals. We are also unaware of existing specific KPDES permit limitations for low-level wastewater discharges at the PGDP. U.S. Fish and Wildlife Service (Service) personnel have reviewed the information submitted and offer the following comments for consideration.

According to our records, the following federally listed endangered species are known to occur near the potential project impact areas:

Paducah Gaseous Diffusion Plant

Indiana bat
orangefoot pimpleback
pink mucket
ring pink
fat pocketbook

Myotis sodalis
Plethobasus cooperianus
Lampsilis abrupta
Obovaria retusa
Potamilus capax

Oak Ridge Reservation

gray bat
pink mucket

Qualified biologists should assess potential impacts and determine if the proposed project may affect the species. We recommend that you submit a copy of your assessment and finding to this office for review and concurrence. A finding of "may affect" could require the initiation of formal consultation procedures.

These constitute the comments of the U.S. Department of the Interior in accordance with provisions of the Endangered Species Act (87 Stat. 884, as amended: 16 U.S.C. 1531 et seq.). We appreciate the opportunity to comment. Should you have any questions or need further assistance, please contact Steve Alexander of my staff at 93 1/528-648 1, ext. 2 10, or via e-mail at *steven_alexander@fws.gov*.

Sincerely,



Lee A. Barclay, Ph.D.
Field Supervisor

xc: Don Seaborg, DOE, Paducah
Wayne Davis, KDFWR, Frankfort
Jack Wilson, KDOW, Frankfort



Department of Energy

Oak Ridge Operations Office
P.O. Box 2001
Oak Ridge, Tennessee 37831—

January 23, 2002

Dr. Lee A. Barclay, Ph.D.
Field Supervisor
Fish and Wildlife Service
446 Neal Street
Cookville, Tennessee 38501

Dear Dr. Barclay:

ADDITIONAL, INFORMAL CONSULTATION UNDER SECTION 7 OF THE ENDANGERED SPECIES ACT FOR THE PROPOSED WASTE DISPOSITION ACTIVITIES AT THE PADUCAH SITE, PADUCAH, KENTUCKY

Thank you for your prompt reply to my letter of August 16, 2001, concerning the proposed waste disposition activities at the Paducah Site, Paducah, Kentucky. As you requested, the Department of Energy (DOE) has prepared a Biological Assessment (BA) for the Paducah area federally listed species, *Myotis sodalis*, *Lampsilis arbrupta*, *Plethobasus cooperianus*, *Obovaria retusa*, and *Potamilis capax* identified in your letter. We have respectfully declined to perform a BA for the Oak Ridge area species listed in your letter since the portion of the proposed action that has not been previously addressed in National Environmental Policy Act (NEPA) documentation would only occur at the Paducah Site.

The enclosed BA is submitted for your review and concurrence. Based on the BA, DOE has determined that the proposed implementation of waste disposition activities at the Paducah Site is not likely to adversely affect the listed species. Results of the BA will be summarized in the text of the Environmental Assessment (EA) for the project, and the BA will be appended to the EA.

Following your review of the BA, please check the appropriate concurrence block and sign below. Please fax your comments to me at (865) 576-0746 as soon as possible, so that we may expeditiously complete the EA. If you need further information or wish to discuss the BA, please call me at (865) 576-0938. Thank you in advance for your prompt reply.

Sincerely,

A handwritten signature in dark ink, appearing to read "James L. Elmore", is written over a horizontal line.

James L. Elmore, Ph.D.
Alternate NEPA Compliance Officer

Enclosure

cc:

Gary Bodenstein, EM-98/PAD
David Tidwell, EM-98/PAD
Diane McDaniel, SAIC

Subject: **ADDITIONAL INFORMAL CONSULTATION UNDER SECTION 7 OF THE
ENDANGERED SPECIES ACT FOR PROPOSED WASTE DISPOSITION
ACTIVITIES AT THE PADUCAH SITE, PADUCAH, KENTUCKY**

- ☐ This Biological Assessment supports the conclusion that the implementation of waste disposition activities as described in the proposed action would not adversely impact federally listed protected species and/or habitat. With this BA, DOE has satisfied consultation requirements of Section 7 of the Endangered Species Act.

- ☐ This Biological Assessment does not support the conclusion that the implementation of waste disposition activities as described in the proposed action would not adversely impact federally listed protected species and/or habitat. DOE has not satisfied consultation requirements of Section 7 of the Endangered Species Act.

Signature

Date



United States Department of the Interior

FISH AND WILDLIFE SERVICE
446 Neal Street
Cookeville, TN 38501

September 20, 2002

Mr. James L. Elmore, Ph.D.
U.S. Department of Energy
Oak Ridge Operations Office
P.O. Box 2001
Oak Ridge, Tennessee 37831

Dear Dr. Elmore:

Thank you for your letter and enclosure of August 21, 2002, transmitting additional information for the Environmental Assessment (EA) for Waste Disposition Activities at the Paducah Site (DOE/EA-1339) in McCracken County, Kentucky. A conference call regarding this proposal was held between representatives of the Department of Energy (DOE) and U.S. Fish and Wildlife Service on August 16, 2002. All of this information is supplemental to the pre-decisional draft EA received on May 17, 2002, and the Biological Assessment (BA) prepared for this proposal received on January 24, 2002. U.S. Fish and Wildlife Service (Service) personnel have reviewed the information submitted and offer the following comments for consideration.

The BA and supporting information are adequate and support the conclusion of not likely to adversely affect, with which we concur. In view of this, we believe that the requirements of Section 7 of the Endangered Species Act (Act) have been fulfilled and that no further consultation is needed at this time. However, obligations under Section 7 of the Act must be reconsidered if: (1) new information reveals that the proposed action may affect listed species in a manner or to an extent not previously considered, (2) the proposed action is subsequently modified to include activities which were not considered in this biological assessment, or (3) new species are listed or critical habitat designated that might be affected by the proposed action.

Provided that best available control technologies for inorganic and organic priority pollutants are implemented for the on-site treatment and discharge(s) of project wastewater to Bayou Creek and Little Bayou Creek, existing warmwater aquatic habitat water quality criteria are not exceeded in Bayou Creek and Little Bayou Creek as a result of the proposed discharge(s), and the proposed discharge(s) are included in existing modeling performed by the Kentucky Division of Water for Total Maximum Daily Load development for Bayou Creek and Little Bayou Creek, we believe that the EA is adequate.

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Log No. 77774
Date Received SEP 24 2002

These constitute the comments of the U.S. Department of the Interior in accordance with provisions of the Endangered Species Act (87 Stat. 884, as amended: 16 U.S.C. 153 1 et seq.), the Migratory Bird Treaty Act (16 U.S.C. 703-71 1), the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.), and the National Environmental Policy Act (42 U.S.C. 432 1-4347; 83 Stat. 852). We appreciate the opportunity to comment. Should you have any questions or need further assistance, please contact Steve Alexander of my staff at 93 1/528-648 1, ext. 2 10, or via e-mail at steven_alexander@fws.gov.

Sincerely,

A handwritten signature in black ink, reading "Lee A. Barclay". The signature is fluid and cursive, with the first name "Lee" and last name "Barclay" clearly distinguishable.

Lee A. Barclay, Ph.D.
Field Supervisor

xc: Jeff Pratt, KDOW, Frankfort
Mike Guffy, KDWM, Frankfort
Wayne Davis, KDFWR, Frankfort
Laila Lienesch, FWS, Frankfort